

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SETH D. HARRIS, *Acting Secretary of*
Labor,

Plaintiff,

v.

CV 13-0075 WPL/LFG

ZL RESTAURANT CORPORATION and
LIXIN ZHANG,

Defendants.

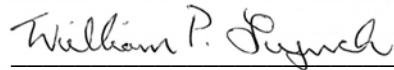
ORDER FOR ANSWER

This matter is before me *sua sponte*. On January 24, 2013, Seth D. Harris, Acting Secretary of Labor, brought this action against ZL Restaurant Corporation and Lixin Zhang. Waiver of service forms were returned executed on March 19, 2013, indicating that the deadline to file an answer was April 6, 2013. (Doc. 3; Doc. 4.) When no answer was filed and Harris did not move for default, I ordered Harris to show cause why this case should not be dismissed for failure to prosecute. (Doc. 5.) Harris timely responded, indicating that he had been working with Defendants to translate the complaint into a Chinese dialect. (Doc. 6.) He stated that if Defendants did not file an answer by July 22, 2012, he would immediately move for default. (*Id.* at 2.)

On July 22, 2013, Harris faxed a letter to my chambers explaining that Defendants had emailed him a copy of an answer that was written in a Chinese dialect; the fax included a copy of the complaint and the email exchange between the parties. Harris was concerned his possession of this document would preclude an entry of default. Subsequent inquiries from my staff revealed that Harris was working to have the answer translated for the Defendants. While I am

not unsympathetic to the fact that English is not the first language of many Americans, it is not appropriate to force Harris into the dual role of litigant and interpreter. Furthermore, having read the email correspondence between Harris and Zhang, it appears as if Zhang understands enough English to articulate his points and concerns in writing. Defendants are responsible for presenting their own defenses, and they are free to retain an attorney if they wish. Therefore, **I order Defendants to file an answer to the complaint in English within thirty days from the entry of this order.** Failure to do so will evince a disregard for litigating this case and may result in dispositive action or sanctions.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "William P. Lynch". The signature is written in a cursive, flowing style. It is positioned above a horizontal line that spans the width of the signature.

William P. Lynch
United States Magistrate Judge